

**Union Calendar No. 80**

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 617**

**[Report No. 107-140]**

To express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

FEBRUARY 14, 2001

Mr. ABERCROMBIE (for himself, Mrs. MINK of Hawaii, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. YOUNG of Alaska, Mr. HANSEN, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Resources

JULY 16, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 14, 2001]

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**A BILL**

To express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United

States of the Native Hawaiian government, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       *Congress makes the following findings:*

5               (1) *The Constitution vests Congress with the au-*  
6               *thority to address the conditions of the indigenous,*  
7               *native people of the United States.*

8               (2) *Native Hawaiians, the native people of the*  
9               *Hawaiian archipelago which is now part of the*  
10              *United States, are indigenous, native people of the*  
11              *United States.*

12              (3) *The United States has a special trust rela-*  
13              *tionship to promote the welfare of the native people*  
14              *of the United States, including Native Hawaiians.*

15              (4) *Under the treaty making power of the United*  
16              *States, Congress exercised its constitutional authority*  
17              *to confirm a treaty between the United States and the*  
18              *government that represented the Hawaiian people,*  
19              *and from 1826 until 1893, the United States recog-*  
20              *nized the independence of the Kingdom of Hawaii, ex-*  
21              *tended full diplomatic recognition to the Hawaiian*  
22              *Government, and entered into treaties and conven-*  
23              *tions with the Hawaiian monarchs to govern com-*

1        *merce and navigation in 1826, 1842, 1849, 1875, and*  
2        *1887.*

3                *(5) Pursuant to the provisions of the Hawaiian*  
4        *Homes Commission Act, 1920 (42 Stat. 108, chapter*  
5        *42), the United States set aside 203,500 acres of land*  
6        *in the Federal territory that later became the State of*  
7        *Hawaii to address the conditions of Native Hawai-*  
8        *ians.*

9                *(6) By setting aside 203,500 acres of land for*  
10        *Native Hawaiian homesteads and farms, the Act as-*  
11        *sists the Native Hawaiian community in maintain-*  
12        *ing distinct native settlements throughout the State of*  
13        *Hawaii.*

14                *(7) Approximately 6,800 Native Hawaiian les-*  
15        *sees and their family members reside on Hawaiian*  
16        *Home Lands and approximately 18,000 Native Ha-*  
17        *waiians who are eligible to reside on the Home Lands*  
18        *are on a waiting list to receive assignments of land.*

19                *(8) In 1959, as part of the compact admitting*  
20        *Hawaii into the United States, Congress established*  
21        *the Ceded Lands Trust for 5 purposes, 1 of which is*  
22        *the betterment of the conditions of Native Hawaiians.*  
23        *Such trust consists of approximately 1,800,000 acres*  
24        *of land, submerged lands, and the revenues derived*

1     *from such lands, the assets of which have never been*  
2     *completely inventoried or segregated.*

3             *(9) Throughout the years, Native Hawaiians*  
4     *have repeatedly sought access to the Ceded Lands*  
5     *Trust and its resources and revenues in order to es-*  
6     *tablish and maintain native settlements and distinct*  
7     *native communities throughout the State.*

8             *(10) The Hawaiian Home Lands and the Ceded*  
9     *Lands provide an important foundation for the abil-*  
10    *ity of the Native Hawaiian community to maintain*  
11    *the practice of Native Hawaiian culture, language,*  
12    *and traditions, and for the survival of the Native Ha-*  
13    *waiian people.*

14            *(11) Native Hawaiians have maintained other*  
15    *distinctly native areas in Hawaii.*

16            *(12) On November 23, 1993, Public Law 103–*  
17    *150 (107 Stat. 1510) (commonly known as the Apol-*  
18    *ogy Resolution) was enacted into law, extending an*  
19    *apology on behalf of the United States to the Native*  
20    *people of Hawaii for the United States role in the*  
21    *overthrow of the Kingdom of Hawaii.*

22            *(13) The Apology Resolution acknowledges that*  
23    *the overthrow of the Kingdom of Hawaii occurred*  
24    *with the active participation of agents and citizens of*  
25    *the United States and further acknowledges that the*

1     *Native Hawaiian people never directly relinquished*  
2     *their claims to their inherent sovereignty as a people*  
3     *over their national lands to the United States, either*  
4     *through their monarchy or through a plebiscite or ref-*  
5     *erendum.*

6             *(14) The Apology Resolution expresses the com-*  
7     *mitment of Congress and the President to acknowledge*  
8     *the ramifications of the overthrow of the Kingdom of*  
9     *Hawaii and to support reconciliation efforts between*  
10    *the United States and Native Hawaiians; and to have*  
11    *Congress and the President, through the President's*  
12    *designated officials, consult with Native Hawaiians*  
13    *on the reconciliation process as called for under the*  
14    *Apology Resolution.*

15            *(15) Despite the overthrow of the Hawaiian Gov-*  
16    *ernment, Native Hawaiians have continued to main-*  
17    *tain their separate identity as a distinct native com-*  
18    *munity through the formation of cultural, social, and*  
19    *political institutions, and to give expression to their*  
20    *rights as native people to self-determination and self-*  
21    *governance as evidenced through their participation*  
22    *in the Office of Hawaiian Affairs.*

23            *(16) Native Hawaiians also give expression to*  
24    *their rights as native people to self-determination and*  
25    *self-governance through the provision of governmental*

1        *services to Native Hawaiians, including the provision*  
2        *of health care services, educational programs, employ-*  
3        *ment and training programs, children's services, con-*  
4        *servation programs, fish and wildlife protection, agri-*  
5        *cultural programs, native language immersion pro-*  
6        *grams and native language immersion schools from*  
7        *kindergarten through high school, as well as college*  
8        *and master's degree programs in native language im-*  
9        *mersion instruction, and traditional justice programs,*  
10       *and by continuing their efforts to enhance Native Ha-*  
11       *waiian self-determination and local control.*

12            *(17) Native Hawaiians are actively engaged in*  
13        *Native Hawaiian cultural practices, traditional agri-*  
14        *cultural methods, fishing and subsistence practices,*  
15        *maintenance of cultural use areas and sacred sites,*  
16        *protection of burial sites, and the exercise of their tra-*  
17        *ditional rights to gather medicinal plants and herbs,*  
18        *and food sources.*

19            *(18) The Native Hawaiian people wish to pre-*  
20        *serve, develop, and transmit to future Native Hawai-*  
21        *ian generations their ancestral lands and Native Ha-*  
22        *waiian political and cultural identity in accordance*  
23        *with their traditions, beliefs, customs and practices,*  
24        *language, and social and political institutions, and to*

1       *achieve greater self-determination over their own af-*  
2       *fairs.*

3               *(19) This Act provides for a process within the*  
4       *framework of Federal law for the Native Hawaiian*  
5       *people to exercise their inherent rights as a distinct*  
6       *aboriginal, indigenous, native community to reorga-*  
7       *nize a Native Hawaiian governing entity for the pur-*  
8       *pose of giving expression to their rights as native peo-*  
9       *ple to self-determination and self-governance.*

10              *(20) The United States has declared that—*

11                   *(A) the United States has a special respon-*  
12                   *sibility for the welfare of the native peoples of the*  
13                   *United States, including Native Hawaiians;*

14                   *(B) Congress has identified Native Hawai-*  
15                   *ians as a distinct indigenous group within the*  
16                   *scope of its Indian affairs power, and has en-*  
17                   *acted dozens of statutes on their behalf pursuant*  
18                   *to its recognized trust responsibility; and*

19                   *(C) Congress has also delegated broad au-*  
20                   *thority to administer a portion of the Federal*  
21                   *trust responsibility to the State of Hawaii.*

22              *(21) The United States has recognized and re-*  
23       *affirmed the special trust relationship with the Native*  
24       *Hawaiian people through the enactment of the Act en-*  
25       *titled “An Act to provide for the admission of the*

1       *State of Hawaii into the Union*”, approved March 18,  
2       1959 (Public Law 86–3; 73 Stat. 4) by—

3               (A) *ceding to the State of Hawaii title to*  
4               *the public lands formerly held by the United*  
5               *States, and mandating that those lands be held*  
6               *in public trust for 5 purposes, one of which is for*  
7               *the betterment of the conditions of Native Ha-*  
8               *waiians; and*

9               (B) *transferring the United States responsi-*  
10              *bility for the administration of the Hawaiian*  
11              *Home Lands to the State of Hawaii, but retain-*  
12              *ing the authority to enforce the trust, including*  
13              *the exclusive right of the United States to consent*  
14              *to any actions affecting the lands which com-*  
15              *prise the corpus of the trust and any amend-*  
16              *ments to the Hawaiian Homes Commission Act,*  
17              *1920 (42 Stat. 108, chapter 42) that are enacted*  
18              *by the legislature of the State of Hawaii affect-*  
19              *ing the beneficiaries under the Act.*

20       (22) *The United States continually has recog-*  
21       *nized and reaffirmed that—*

22               (A) *Native Hawaiians have a cultural, his-*  
23               *toric, and land-based link to the aboriginal, na-*  
24               *tive people who exercised sovereignty over the*  
25               *Hawaiian Islands;*



1           (B) *Native Hawaiians have never relin-*  
 2           *quished their claims to sovereignty or their sov-*  
 3           *ereign lands;*

4           (C) *the United States extends services to*  
 5           *Native Hawaiians because of their unique status*  
 6           *as the aboriginal, native people of a once sov-*  
 7           *ereign nation with whom the United States has*  
 8           *a political and legal relationship; and*

9           (D) *the special trust relationship of Amer-*  
 10          *ican Indians, Alaska Natives, and Native Ha-*  
 11          *waiians to the United States arises out of their*  
 12          *status as aboriginal, indigenous, native people of*  
 13          *the United States.*

14 **SEC. 2. DEFINITIONS.**

15       *In this Act:*

16           (1) *ABORIGINAL, INDIGENOUS, NATIVE PEO-*  
 17          *PLE.—The term “aboriginal, indigenous, native peo-*  
 18          *ple” means those people whom Congress has recog-*  
 19          *nized as the original inhabitants of the lands and*  
 20          *who exercised sovereignty prior to European contact*  
 21          *in the areas that later became part of the United*  
 22          *States.*

23           (2) *APOLOGY RESOLUTION.—The term “Apology*  
 24          *Resolution” means Public Law 103–150 (107 Stat.*  
 25          *1510), a joint resolution extending an apology to Na-*

1 *tive Hawaiians on behalf of the United States for the*  
2 *participation of agents of the United States in the*  
3 *January 17, 1893 overthrow of the Kingdom of Ha-*  
4 *waii.*

5 (3) *CEDED LANDS.*—*The term “ceded lands”*  
6 *means those lands which were ceded to the United*  
7 *States by the Republic of Hawaii under the Joint*  
8 *Resolution to provide for annexing the Hawaiian Is-*  
9 *lands to the United States of July 7, 1898 (30 Stat.*  
10 *750), and which were later transferred to the State of*  
11 *Hawaii in the Act entitled “An Act to provide for the*  
12 *admission of the State of Hawaii into the Union” ap-*  
13 *proved March 18, 1959 (Public Law 86–3;*  
14 *73 Stat. 4).*

15 (4) *INDIGENOUS, NATIVE PEOPLE.*—*The term*  
16 *“indigenous, native people” means the lineal descend-*  
17 *ants of the aboriginal, indigenous, native people of the*  
18 *United States.*

19 (5) *INTERAGENCY COORDINATING GROUP.*—*The*  
20 *term “Interagency Coordinating Group” means the*  
21 *Native Hawaiian Interagency Coordinating Group*  
22 *established under section 5.*

23 (6) *NATIVE HAWAIIAN.*—

24 (A) *Prior to the recognition by the United*  
25 *States of the Native Hawaiian governing entity,*

1       the term “Native Hawaiian” means the indige-  
2       nous, native people of Hawaii who are the direct  
3       lineal descendants of the aboriginal, indigenous,  
4       native people who resided in the islands that  
5       now comprise the State of Hawaii on or before  
6       January 1, 1893, and who occupied and exer-  
7       cised sovereignty in the Hawaiian archipelago,  
8       including the area that now constitutes the State  
9       of Hawaii, and includes all Native Hawaiians  
10      who were eligible in 1921 for the programs au-  
11      thorized by the Hawaiian Homes Commission  
12      Act (42 Stat. 108, chapter 42) and their lineal  
13      descendants.

14               (B) Following the recognition by the United  
15      States of the Native Hawaiian governing entity,  
16      the term “Native Hawaiian” shall have the  
17      meaning given to such term in the organic gov-  
18      erning documents of the Native Hawaiian gov-  
19      erning entity.

20               (7) NATIVE HAWAIIAN GOVERNING ENTITY.—The  
21      term “Native Hawaiian governing entity” means the  
22      governing entity organized by the Native Hawaiian  
23      people.

24               (8) SECRETARY.—The term “Secretary” means  
25      the Secretary of the Interior.

1 **SEC. 3. UNITED STATES POLICY AND PURPOSE.**

2 (a) *POLICY.*—*The United States reaffirms that—*

3 (1) *Native Hawaiians are a unique and distinct,*  
4 *indigenous, native people, with whom the United*  
5 *States has a political and legal relationship;*

6 (2) *the United States has a special trust rela-*  
7 *tionship to promote the welfare of Native Hawaiians;*

8 (3) *Congress possesses the authority under the*  
9 *Constitution to enact legislation to address the condi-*  
10 *tions of Native Hawaiians and has exercised this au-*  
11 *thority through the enactment of—*

12 (A) *the Hawaiian Homes Commission Act,*  
13 *1920 (42 Stat. 108, chapter 42);*

14 (B) *the Act entitled “An Act to provide for*  
15 *the admission of the State of Hawaii into the*  
16 *Union”, approved March 18, 1959 (Public Law*  
17 *86–3; 73 Stat. 4); and*

18 (C) *more than 150 other Federal laws ad-*  
19 *dressing the conditions of Native Hawaiians;*

20 (4) *Native Hawaiians have—*

21 (A) *an inherent right to autonomy in their*  
22 *internal affairs;*

23 (B) *an inherent right of self-determination*  
24 *and self-governance; and*

25 (C) *the right to reorganize a Native Hawai-*  
26 *ian governing entity; and*

1           (5) *the United States shall continue to engage in*  
2           *a process of reconciliation and political relations with*  
3           *the Native Hawaiian people.*

4           (b) *PURPOSE.—It is the intent of Congress that the*  
5           *purpose of this Act is to provide a process for the recogni-*  
6           *tion by the United States of a Native Hawaiian governing*  
7           *entity for purposes of continuing a government-to-govern-*  
8           *ment relationship.*

9   **SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE**  
10                   **FOR NATIVE HAWAIIAN RELATIONS.**

11           (a) *IN GENERAL.—There is established within the Of-*  
12           *fice of the Secretary the United States Office for Native Ha-*  
13           *waiian Relations.*

14           (b) *DUTIES OF THE OFFICE.—The United States Of-*  
15           *fice for Native Hawaiian Relations shall—*

16                   (1) *effectuate and coordinate the trust relation-*  
17                   *ship between the Native Hawaiian people and the*  
18                   *United States, and upon the recognition of the Native*  
19                   *Hawaiian governing entity by the United States, be-*  
20                   *tween the Native Hawaiian governing entity and the*  
21                   *United States through the Secretary, and with all*  
22                   *other Federal agencies;*

23                   (2) *continue the process of reconciliation with*  
24                   *the Native Hawaiian people, and upon the recogni-*  
25                   *tion of the Native Hawaiian governing entity by the*

1     *United States, continue the process of reconciliation*  
2     *with the Native Hawaiian governing entity;*

3             *(3) fully integrate the principle and practice of*  
4     *meaningful, regular, and appropriate consultation*  
5     *with the Native Hawaiian governing entity by pro-*  
6     *viding timely notice to, and consulting with the Na-*  
7     *tive Hawaiian people and the Native Hawaiian gov-*  
8     *erning entity prior to taking any actions that may*  
9     *have the potential to significantly affect Native Ha-*  
10    *waiian resources, rights, or lands;*

11            *(4) consult with the Interagency Coordinating*  
12    *Group, other Federal agencies, and with relevant*  
13    *agencies of the State of Hawaii on policies, practices,*  
14    *and proposed actions affecting Native Hawaiian re-*  
15    *sources, rights, or lands; and*

16            *(5) prepare and submit to the Committee on In-*  
17    *dian Affairs and the Committee on Energy and Nat-*  
18    *ural Resources of the Senate, and the Committee on*  
19    *Resources of the House of Representatives an annual*  
20    *report detailing the activities of the Interagency Co-*  
21    *ordinating Group that are undertaken with respect to*  
22    *the continuing process of reconciliation and to effect*  
23    *meaningful consultation with the Native Hawaiian*  
24    *governing entity and providing recommendations for*  
25    *any necessary changes to existing Federal statutes or*

1        *regulations promulgated under the authority of Fed-*  
2        *eral law.*

3    **SEC. 5. NATIVE HAWAIIAN INTERAGENCY COORDINATING**  
4        **GROUP.**

5        (a) *ESTABLISHMENT.*—*In recognition of the fact that*  
6        *Federal programs authorized to address the conditions of*  
7        *Native Hawaiians are largely administered by Federal*  
8        *agencies other than the Department of the Interior, there*  
9        *is established an interagency coordinating group to be*  
10       *known as the “Native Hawaiian Interagency Coordinating*  
11       *Group”.*

12       (b) *COMPOSITION.*—*The Interagency Coordinating*  
13       *Group shall be composed of officials, to be designated by*  
14       *the President, from—*

15                (1) *each Federal agency that administers Native*  
16        *Hawaiian programs, establishes or implements poli-*  
17        *cies that affect Native Hawaiians, or whose actions*  
18        *may significantly or uniquely impact on Native Ha-*  
19        *waiian resources, rights, or lands; and*

20                (2) *the United States Office for Native Hawaiian*  
21        *Relations established under section 4.*

22        (c) *LEAD AGENCY.*—*The Department of the Interior*  
23        *shall serve as the lead agency of the Interagency Coordi-*  
24        *nating Group, and meetings of the Interagency Coordi-*  
25        *nating Group shall be convened by the lead agency.*

1       (d) *DUTIES.*—*The responsibilities of the Interagency*  
 2 *Coordinating Group shall be—*

3           (1) *the coordination of Federal programs and*  
 4 *policies that affect Native Hawaiians or actions by*  
 5 *any agency or agencies of the Federal Government*  
 6 *which may significantly or uniquely impact on Na-*  
 7 *tive Hawaiian resources, rights, or lands;*

8           (2) *to assure that each Federal agency develops*  
 9 *a policy on consultation with the Native Hawaiian*  
 10 *people, and upon recognition of the Native Hawaiian*  
 11 *governing entity by the United States, consultation*  
 12 *with the Native Hawaiian governing entity; and*

13           (3) *to assure the participation of each Federal*  
 14 *agency in the development of the report to Congress*  
 15 *authorized in section 4(b)(5).*

16 **SEC. 6. PROCESS FOR THE RECOGNITION OF THE NATIVE**  
 17 **HAWAIIAN GOVERNING ENTITY.**

18       (a) *RECOGNITION OF THE NATIVE HAWAIIAN GOV-*  
 19 *ERNING ENTITY.*—*The right of the Native Hawaiian people*  
 20 *to organize for their common welfare and to adopt appro-*  
 21 *priate organic governing documents is hereby recognized by*  
 22 *the United States.*

23       (b) *PROCESS FOR RECOGNITION.*—

24           (1) *SUBMITTAL OF ORGANIC GOVERNING DOCU-*  
 25 *MENTS.*—*Following the organization of the Native*



1     *Hawaiian governing entity, the adoption of organic*  
2     *governing documents, and the election of officers of*  
3     *the Native Hawaiian governing entity, the duly elect-*  
4     *ed officers of the Native Hawaiian governing entity*  
5     *shall submit the organic governing documents of the*  
6     *Native Hawaiian governing entity to the Secretary.*

7             (2) *CERTIFICATIONS.—*

8             (A) *IN GENERAL.—Within 90 days of the*  
9             *date that the duly elected officers of the Native*  
10            *Hawaiian governing entity submit the organic*  
11            *governing documents to the Secretary, the Sec-*  
12            *retary shall certify that the organic governing*  
13            *documents—*

14            (i) *establish the criteria for citizenship*  
15            *in the Native Hawaiian governing entity;*

16            (ii) *were adopted by a majority vote of*  
17            *the citizens of the Native Hawaiian gov-*  
18            *erning entity;*

19            (iii) *provide for the exercise of govern-*  
20            *mental authorities by the Native Hawaiian*  
21            *governing entity;*

22            (iv) *provide for the Native Hawaiian*  
23            *governing entity to negotiate with Federal,*  
24            *State, and local governments, and other en-*  
25            *tities;*

1           (v) prevent the sale, disposition, lease,  
2           or encumbrance of lands, interests in lands,  
3           or other assets of the Native Hawaiian gov-  
4           erning entity without the consent of the Na-  
5           tive Hawaiian governing entity;

6           (vi) provide for the protection of the  
7           civil rights of the citizens of the Native Ha-  
8           waiian governing entity and all persons  
9           subject to the authority of the Native Ha-  
10          waiian governing entity, and ensure that  
11          the Native Hawaiian governing entity exer-  
12          cises its authority consistent with the re-  
13          quirements of section 202 of the Act of April  
14          11, 1968 (25 U.S.C. 1302); and

15          (vii) are consistent with applicable  
16          Federal law and the special trust relation-  
17          ship between the United States and the in-  
18          digenous native people of the United States.

19          (B) *BY THE SECRETARY.*—Within 90 days  
20          of the date that the duly elected officers of the  
21          Native Hawaiian governing entity submit the  
22          organic governing documents to the Secretary,  
23          the Secretary shall certify that the State of Ha-  
24          waii supports the recognition of the Native Ha-  
25          waiian governing entity by the United States as

1        *evidenced by a resolution or act of the Hawaii*  
2        *State legislature.*

3                (C) *RESUBMISSION IN CASE OF NONCOMPLI-*  
4        *ANCE.—*

5                (i) *RESUBMISSION BY THE SEC-*  
6        *RETARY.—If the Secretary determines that*  
7        *the organic governing documents do not ad-*  
8        *dress the criteria described in subparagraph*  
9        *(A) or that the organic governing docu-*  
10       *ments, or any part thereof, are not con-*  
11       *sistent with other applicable Federal law,*  
12       *the Secretary shall resubmit the organic*  
13       *governing documents to the duly elected offi-*  
14       *cers of the Native Hawaiian governing enti-*  
15       *ty along with a justification for each of the*  
16       *Secretary’s findings as to why the provi-*  
17       *sions are not consistent with such law.*

18                (ii) *AMENDMENT AND RESUBMISSION*  
19        *BY THE NATIVE HAWAIIAN GOVERNING ENTI-*  
20        *TY.—If the organic governing documents*  
21        *are resubmitted to the duly elected officers*  
22        *of the Native Hawaiian governing entity by*  
23        *the Secretary under clause (i), the duly*  
24        *elected officers of the Native Hawaiian gov-*  
25        *erning entity shall—*

1                   (I) amend the organic governing  
2                   documents to ensure that the docu-  
3                   ments comply with applicable Federal  
4                   law and address the criteria described  
5                   in subparagraph (A); and

6                   (II) resubmit the amended organic  
7                   governing documents to the Secretary  
8                   for certification in accordance with the  
9                   requirements of this paragraph.

10               (D) CERTIFICATIONS DEEMED MADE.—The  
11               certifications authorized in subparagraph (A)  
12               shall be deemed to have been made if the Sec-  
13               retary has not acted within 90 days of the date  
14               that the duly elected officers of the Native Ha-  
15               waiian governing entity have submitted the or-  
16               ganic governing documents of the Native Hawai-  
17               ian governing entity to the Secretary.

18               (3) FEDERAL RECOGNITION.—Notwithstanding  
19               any other provision of law, upon the election of the  
20               officers of the Native Hawaiian governing entity and  
21               the certifications by the Secretary required under  
22               paragraph (2), the United States hereby extends Fed-  
23               eral recognition to the Native Hawaiian governing  
24               entity as the representative governing body of the Na-  
25               tive Hawaiian people.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated such sums as*  
 3 *may be necessary to carry out the activities authorized in*  
 4 *this Act.*

5 **SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL**  
 6 **AUTHORITY; NEGOTIATIONS.**

7 *(a) REAFFIRMATION.—The delegation by the United*  
 8 *States of authority to the State of Hawaii to address the*  
 9 *conditions of the indigenous, native people of Hawaii con-*  
 10 *tained in the Act entitled “An Act to provide for the admis-*  
 11 *sion of the State of Hawaii into the Union” approved*  
 12 *March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby*  
 13 *reaffirmed.*

14 *(b) NEGOTIATIONS.—Upon the Federal recognition of*  
 15 *the Native Hawaiian governing entity by the United States,*  
 16 *the United States is authorized to negotiate and enter into*  
 17 *an agreement with the State of Hawaii and the Native Ha-*  
 18 *waiian governing entity regarding the transfer of lands, re-*  
 19 *sources, and assets dedicated to Native Hawaiian use to the*  
 20 *Native Hawaiian governing entity. Nothing in this Act is*  
 21 *intended to serve as a settlement of any claims against the*  
 22 *United States.*

23 **SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.**

24 *(a) INDIAN GAMING REGULATORY ACT.—Nothing con-*  
 25 *tained in this Act shall be construed as an authorization*  
 26 *for the Native Hawaiian governing entity to conduct gam-*

1 *ing activities under the authority of the Indian Gaming*  
2 *Regulatory Act (25 U.S.C. 2701 et seq.).*

3       **(b) BUREAU OF INDIAN AFFAIRS.**—*Nothing contained*  
4 *in this Act shall be construed as an authorization for eligi-*  
5 *bility to participate in any programs and services provided*  
6 *by the Bureau of Indian Affairs for any persons not other-*  
7 *wise eligible for such programs or services.*

8 **SEC. 10. SEVERABILITY.**

9       *In the event that any section or provision of this Act*  
10 *is held invalid, it is the intent of Congress that the remain-*  
11 *ing sections or provisions of this Act shall continue in full*  
12 *force and effect.*



**Union Calendar No. 80**

107TH CONGRESS  
1ST SESSION

**H. R. 617**

**[Report No. 107-140]**

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**A BILL**

To express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.

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JULY 16, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed